

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RBH ENERGY, LLC,	§	Case No.: _____
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
STUART L. BROWN	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff RBH Energy, LLC (“RBH”), by counsel, alleges as follows for its Original Complaint for Copyright Infringement against Defendant Stuart L. Brown (“Brown”), and requests relief from this Court based on the following:

THE PARTIES

1. Plaintiff RBH is a Texas limited liability company with its principal place of business located at 112 N. Bailey Ave. #B, Fort Worth, TX 76107.

2. Brown is an attorney licensed to practice law in the State of Texas and lists his principal place of business at 6017 W. Main Street, 2nd Fl, Frisco, TX 75034. Alternatively, Brown lists his principal place of business on that State Bar of Texas’s website at 1420 W. Exchange Parkway, Suite 190, Allen, TX 75013. Brown may be served at either of these locations, or at his personal residence: 217 Birdbrook Dr., Anna, TX 75409-5191.

JURISDICTION AND VENUE

3. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*

4. This Court has jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2), 1391(d), and 1400(a).

BACKGROUND

6. RBH realleges paragraphs 1 through 5 as if fully set forth herein.

7. RBH is the owner of U.S. Copyright No. VAu 1-029-569 ("Copyright") titled Brian Harness Photography Collection 2010 Vol. II. A true and correct copy of the copyright is attached hereto as Exhibit A.

8. The named artist of the Copyright is Randall Brian Harness ("Harness"). *See id.*

9. On October 23, 2015, Harness assigned the Copyright to RBH. A true and correct copy of the assignment is attached hereto as Exhibit B.

10. Harness, a professional photographer, is the sole member of RBH.

11. On May 20, 2010, Harness entered into a license ("Scott & Reid License") with Scott & Reid General Contractors, Inc. ("Scott & Reid") in Dallas, Texas to take architectural photographs, including a photograph of a building on Frisco Square. A true and correct copy of the Scott & Reid License is attached hereto as Exhibit C.

12. The Scott & Reid License called for Harness to deliver several photographs to Scott & Reid, and granted the Scott & Reid the following license: "License: Use in Scott & Reid brochures, scottandreid.com website and PowerPoint presentations. Terms on page 2." *See* Exhibit C at 1.

13. The Scott & Reid License set forth that it was not transferrable: "The only rights granted to the Photographs are those specifically set forth above under the 'License.'" *See id.* at

2. As such, no person other than Scott & Reid had any rights—limited, express, or implied—to use the photographs subject to the Scott & Reid License without the express permission of Harness, or now, RBH.

14. All photos subject to the Scott & Reid License were registered as a collection of photographs submitted as part of U.S. Copyright No. VAu 1-029-569.

15. The photos that were provided to Scott & Reid were registered with U.S. Copyright on June 14, 2010. *See Exhibit A.*

16. One of the photos that was subject to the Scott & Reid License, and included as part of the Copyright, is the following exterior photo of an building on Frisco Square:

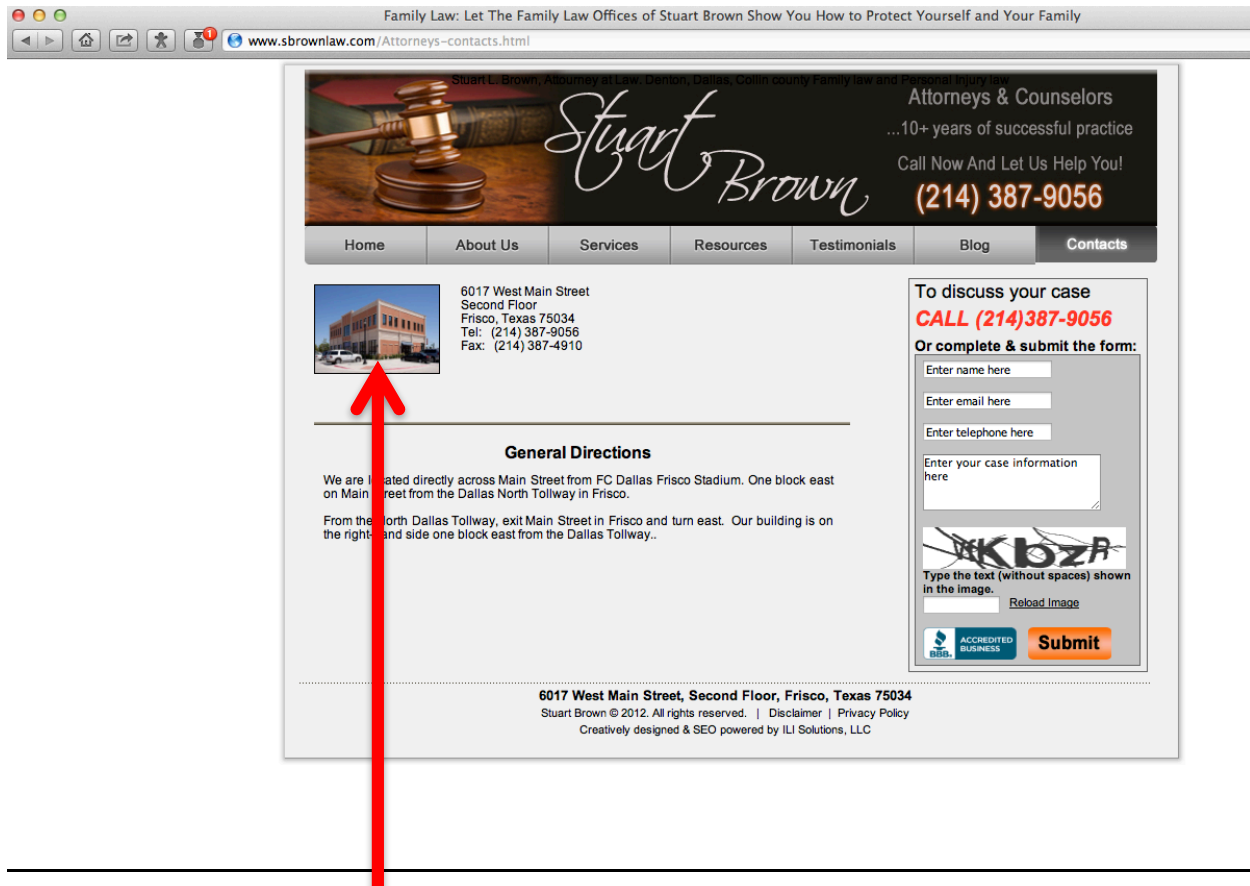


©Brian Harness 2010

friscosquare117.jpg

17. Defendant Brown, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on its website:

www.sbrownlaw.com/Attorneys-contacts.html. A true and correct copy of a screenshot (captured on March 28, 2013) of this web page is attached hereto as Exhibit D.



18. The photograph, noted above, remained on Brown's website until sometime after March 28, 2013.

19. Because Brown had no permission to use the protected photograph, Brown is liable for direct copyright infringement.

COUNT 1 – COPYRIGHT INFRINGEMENT

20. RBH realleges paragraphs 1 through 19 as if set fully herein.

21. RBH alleges Brown is liable for direct copyright infringement pursuant to 17 U.S.C. 501(a).

22. RBH has been damaged by Brown's actions.

DEMAND FOR JURY TRIAL

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff RBH Energy, LLC demands that:

- a. Defendant Stuart L. Brown be enjoined from reproducing, administering, displaying, or publishing RBH's copyrighted works;
- b. Defendant Stuart L. Brown be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;
- c. Defendant Stuart L. Brown pay RBH's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;
- d. Defendant Stuart L. Brown pay pre-judgment and post-judgment interest on any damages awarded; and
- e. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff RBH Energy, LLC also reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: March 24, 2016

Respectfully submitted,



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